

RESPONSE

I. Status of the Claims

Claims 3 and 4 have been amended entirely without prejudice or disclaimer. Claims 1-6 are therefore presently pending in the case.

II. Support for the Amended Specification and Claims

Claim 3 has been revised to further clarify the claim. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least in SEQ ID NO:1 and claim 3 as originally filed.

Claim 4 has been revised to further clarify the claim. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least in SEQ ID NO:3 and claim 4 as originally filed.

As the revisions to claims 3 and 4 are fully supported by the specification, sequence listing and claims as originally filed, they do not constitute new matter. Entry, therefore, is respectfully requested.

III. Rejection of Claims 3 and 4 Under 35 U.S.C. § 102(b)

In the Decision the Board rejects claims 3 and 4 under 35 U.S.C. § 102(b), as being allegedly anticipated by Ymer *et al.* (1990). While in no way agreeing with The Board's assertions and solely in order to progress this application more rapidly towards allowance, Applicants have elected to amend claims 3 and 4, entirely without prejudice or disclaimer, to read on the full-length molecules of SEQ ID NOS:1 and 3, respectively. As these sequences are not identical to those described by Ymer *et al.* (1990), it can not properly anticipate all of the features of amended claims 3 and 4. Applicants respectfully submit that this rejection has been thus avoided and request withdrawal of this rejection.

IV. Conclusion

The present document is a full and complete response intended to reopen prosecution and correct perceived deficiencies, following the Decision on Appeal in Appeal No. 2005-1285, mailed on August 31, 2005. Applicants submit that, in light of the foregoing amendments and remarks, the

present case is now in condition for allowance, and such a favorable action is respectfully requested. Should Examiner Landsman have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

October 31, 2005

Date

Respectfully submitted,

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